

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CASCADES PUBLISHING)	
INNOVATION, LLC.,)	
)	Civil Action No. 3:13-CV-00422
Plaintiff,)	
vs.)	Judge Walter H. Rice
)	Magistrate Judge Michael R. Merz
REED ELSEVIER, INC.,)	
)	JURY TRIAL DEMANDED
Defendant.)	

Parties' Stipulation of Dismissal Without Prejudice

Whereas:

1. The parties continue to discuss settlement, and
2. Cascades has agreed to Reed's request for a dismissal of the suit without prejudice to avoid burden and assist settlement discussions;

The parties therefore stipulate and agree, subject to the Court's approval, that:

1. All claims and counterclaims are dismissed without prejudice;
2. Each party will bear its own costs to date;
3. Cascades may refile a suit for patent infringement in this Court if settlement discussions are unsuccessful;
4. Fed.R.Civ.P. 41(d) does not apply to a refiling of this action;
5. The parties waive any defense or contention based on the passage of time between the date of dismissal and the date of any refiling; and
6. The parties agree to keep in place a litigation hold on documents relevant to the case.

Respectfully submitted,

<p><u>s/Rachael L. Rodman</u> Joshua A. Lorentz Robert M. Zimmerman Rachael L. Rodman Financial Center 255 East Fifth Street, Suite 1900 Cincinnati, Ohio 45202 joshua.lorentz@dinsmore.com robert.zimmerman@dinsmore.com rachael.rodman@dinsmore.com</p> <p>Attorneys for Defendant Reed Elsevier, Inc.</p>	<p><u>s/ Joseph N. Hosteny</u> Joseph N. Hosteny Arthur A. Gasey Niro, Haller & Niro 181 West Madison Street, Ste. 4600 Chicago, IL 60602 Phone: 312-236-0733 Fax: 312-236-1138 jhosteny@hosteny.com gasey@nshn.com</p> <p>David A. Shough (Ohio Bar #0029678) Law Office of David A. Shough 853 Dayton Oxford Road Carlisle, OH 45005-3412 Phone: 937.242.7325 Fax: 937.242.6274 dshough@das-law.com</p> <p>Attorney for Cascades Publishing Innovation LLC</p>
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 22, 2014 the **Parties' Stipulation of Dismissal Without Prejudice** was filed electronically with the Clerk of the Court for the Southern District of Ohio using the Court's Electronic Case Filing System, which will send notification to the registered participants of the ECF System as listed:

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Attorneys for Defendant Reed Elsevier, Inc.

I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/ Joseph N. Hosteny
Attorney for Cascades Publishing
Innovation, LLC